

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for AUGUST 2, 2006 PLANNING COMMISSION MEETING
REVISED AUGUST 17, 2006

PROJECT #: Change of Zone No. 06043

PROPOSAL: From AG Agriculture to I-1 Industrial

LOCATION: S. 14th and Saltillo Road

LAND AREA: 24.49 acres, more or less

EXISTING ZONING: AG Agriculture

CONCLUSION: The applicant intends to operate a concrete production facility to provide concrete product for new construction in south and southwest Lincoln as well as the future South Beltway. Staff finds this request acceptable subject to an annexation and development agreement.

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION:

A portion of Lot 43, Located in the NE 1/4 of Section 1-8-6, Lancaster County, Nebraska, more particularly described as attached.

EXISTING LAND USE:

Undeveloped.

SURROUNDING LAND USE AND ZONING:

North:	I-1	Pipeline tank facility
South:	AG	Undeveloped/agricultural
East:	AG	Undeveloped/agricultural
West:	I-1	Pipeline tank facility

COMPREHENSIVE PLAN SPECIFICATIONS:

F-25 - This area is designated as agricultural in the Comprehensive Plan.

F-27- The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation.

This area is shown in Tier II

F-28- Tier II: An area of approximately 47 square miles intended to serve the following purposes: (1) to define the geographic area the city is assumed to grow into immediately beyond the twenty-five year time frame of Tier I; (2) to serve as the basis for long term, advanced utility planning; and; (3) to act as a secondary reserve area for urban growth should the Tier I area development occur more quickly than assumed for the twenty-five year period. Owing to the intended purposes of this Tier and the uncertainty of when the city may begin providing services to these areas, Tier II should also remain in its present use in order to provide for future urban development.

UTILITIES:

This area is outside the Future Service Limit as identified by the Comprehensive Plan and will not be served with city utilities. The applicant proposes the use of wells to provide fresh water and septic or lagoon for wastewater treatment. A groundwater evaluation report conducted by Olsson Associates concluded that there is sufficient groundwater for the concrete plant and that the amount of water used by the concrete plant will not have a negative impact on surrounding properties. In addition the applicant states that the site is large enough to provide on-site stormwater detention and may be graded so that it drains into a wetland area being developed to the south of this tract.

TRAFFIC ANALYSIS:

The County Engineer and Public Works Engineering Services both have concerns with development on substandard roads such as Saltillo Road in this vicinity. Both agencies note that the applicant may need to pay for the reconstruction of Saltillo Road to accommodate left and right turns. A 1998 study by the County Engineer showed the average daily trips on Saltillo Road from S. 14th St. to S. 27th St. was approximately 3,500. There have been no substantial land use changes in this area since 1998 that would result in a substantial change in the average daily trips. NEBCO estimates that the average daily trips during their 8 month peak period is 100 trucks.

Saltillo Road is classified as a minor arterial in the 2025 Comprehensive Plan. Saltillo Road from US-77 to S. 27th St. is shown as a proposed project for 2 lanes + turn lanes in the 2025 Comprehensive Plan. As part of the South Beltway project, the State will be reconstructing Saltillo Road to 2 lanes and a center turn lane from Hwy 77 to the west boundary of this application. The State has no plans to improve Saltillo Road abutting this property.

REGIONAL ISSUES:

The proposed use would provide concrete that may be used for the construction of the South Beltway as well as other growing areas of south and southwest Lincoln.

ANALYSIS:

1. This is a request for a change of zone from AG, Agricultural to I-1, Industrial to permit the operation of a concrete production facility near S. 14th and Saltillo Road.
2. The applicant states that the facility would be similar to that found at S. 50th and Highway 2 and would serve construction in the growing areas of south and southwest Lincoln and may aid in the construction of the new South Beltway.
3. This area is outside the Future Service Limit and is within Tier II, but within the City's three-mile jurisdiction. The applicant is not requesting annexation or the extension of City services. However, the area should be annexed with the owner signing an annexation agreement. This will ensure that:
 - The applicant will contribute impact fees toward permanent road improvements in the vicinity.
 - Property, sales and wheel taxes will be paid to the City and Lincoln Public Schools
 - Future costs and political problems from later annexation and transfer of school and fire jurisdiction is avoided.
 - A TIF or special assessment district can be established to accelerate the extension of utilities.

Preliminary discussion with city departments indicate there are no extra-ordinary service costs that should result from this annexation.

4. A full scale, high intensity industrial use outside the City limits and Future Service Limit may put pressure on the City to provide services in this area before the City has planned to provide them at the expense of not being able to provide or extend urban services to areas which are within the Future Service Limit. Therefore the applicant must understand that the uses must be limited to uses not requiring City utilities.
5. Public Works Engineering Services and the County Engineer both note that Saltillo Road may need to be reconstructed in this vicinity with turn lanes added to safely allow left and right turns from the proposed facility.
6. The Lincoln-Lancaster County Health Department requested that the applicant provide information regarding the quality and quantity of water the proposed well would provide. At the Planning Commission's initial hearing of July 19 on this request, nearby owners of a kennel and hog farm expressed concern about the effect their water supplies. A groundwater evaluation report dated August 14, 2006 conducted by Olsson Associates concluded that the amount of water required for

the proposed development will not have a negative impact on the existing users. A copy of the report is available at the Planning Department.

7. The LLCHD adds the following:
 - 7.1 The concrete facility will require a construction permit per LLCHD Air Pollution Control Program Regulations and Standards
 - 7.2 The operation of this facility will require the standard baghouse controls that are required by such plants and the plant must comply with Article II, Section 32 Fugitive Dust of the LLCAPCPRS.
 - 7.3 Plant roadways should be paved.
 - 7.4 The operation of this plant will be subject to the requirements of LMC 8.24 Noise Control Ordinance, specifically Section 8.24.090, Table One.
8. The Building and Safety Department notes that the site is in the New Growth Area and it appears that part of the site may be in the 100-year floodplain. Any development in the 100-year floodplain must comply with the requirements of LMC 27.53 Flood Regulations for New Growth Areas.
9. The proposed use is a specific type of use that is most desirably located a good distance from residential development and urban development in general. This location is preferable to an urban location or one in close proximity to residential uses and is located near existing and future major highway, thus reducing the impact of heavy machinery traveling on city streets. The future land use plan identifies the north side of Saltillo in this location as industrial, recognizing the approved I-1 zoning.
10. Staff supports this change of zone. However other special uses permitted in I-1 may place pressure on the city to extend services or may further strain the existing roads in the vicinity. Because of this, staff recommends the Applicant and City enter into a development agreement restricting certain heavy industrial uses. Staff also recommends the agreement provide for controls typically required as a part of land subdivision or use permit approval:
 - 10.1 Stormwater drainage/detention plan as approved by Public Works.
 - 10.2 Limitation of access along Saltillo Road as approved by Public Works.
 - 10.3 Paved roads and/or other control measures as approved by Health Department.
 - 10.4 Construction of right and left turn lanes in Saltillo Road as approved by Public Works.

- 10.5 Dedicate appropriate rights of way.
- 10.6 Prohibit of off premise signs.

The annexation and development agreement should be signed prior to scheduling this application at City Council.

- 11. As of this time the Applicant has indicated general agreement with these conditions, but has not provided a signed agreement.

Prepared by:

Tom Cajka
Planner

DATE: July 25, 2006

APPLICANT: Nebco, Inc.
1815 Y Street
Lincoln, NE 68508
(402) 434-1212

OWNER: same as applicant

CONTACT: Kent Seacrest
Seacrest & Kalkowski, PC, LLO
1111 Lincoln Mall, Suite 350
Lincoln, NE 68508
(402) 435-6000



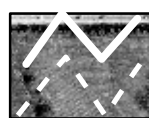
2005 aerial

Change of Zone #06043 S 14th St & Saltillo Rd

Zoning:

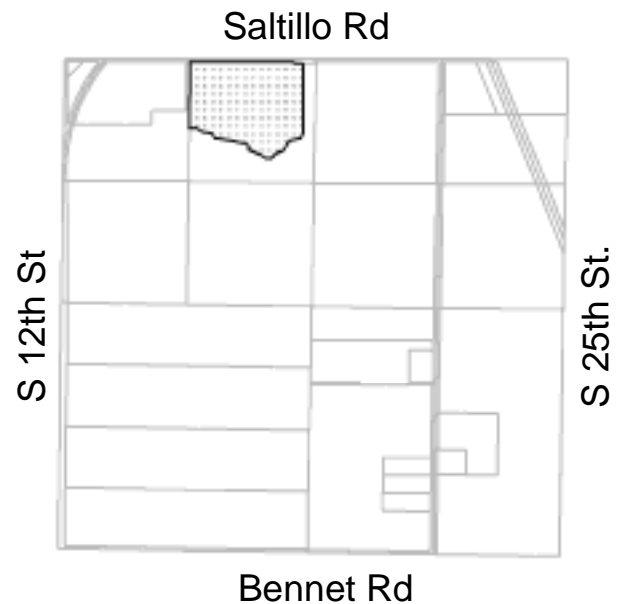
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

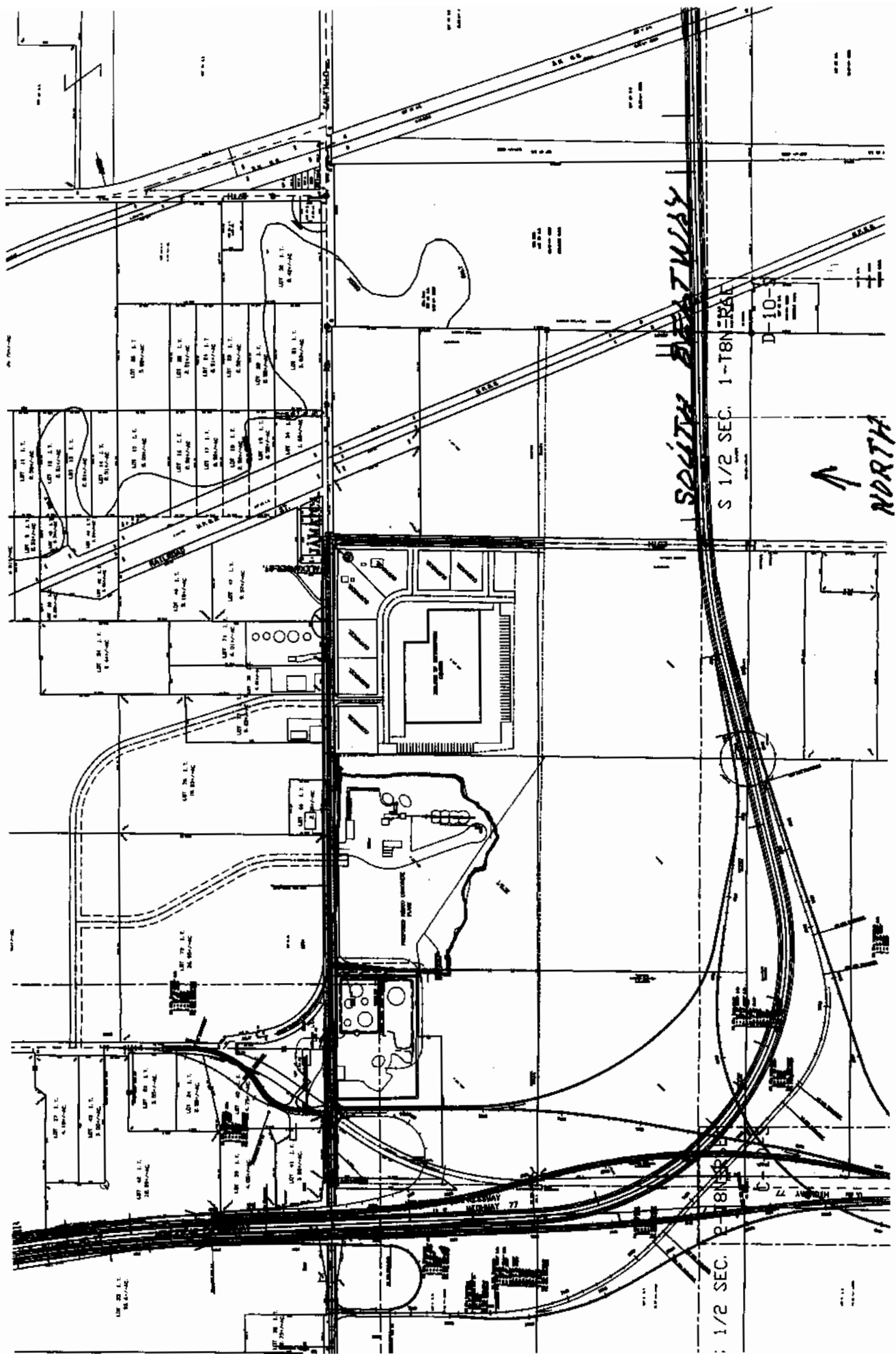
One Square Mile
Sec. 1 T08N R06E



Zoning Jurisdiction Lines

City Limit Jurisdiction





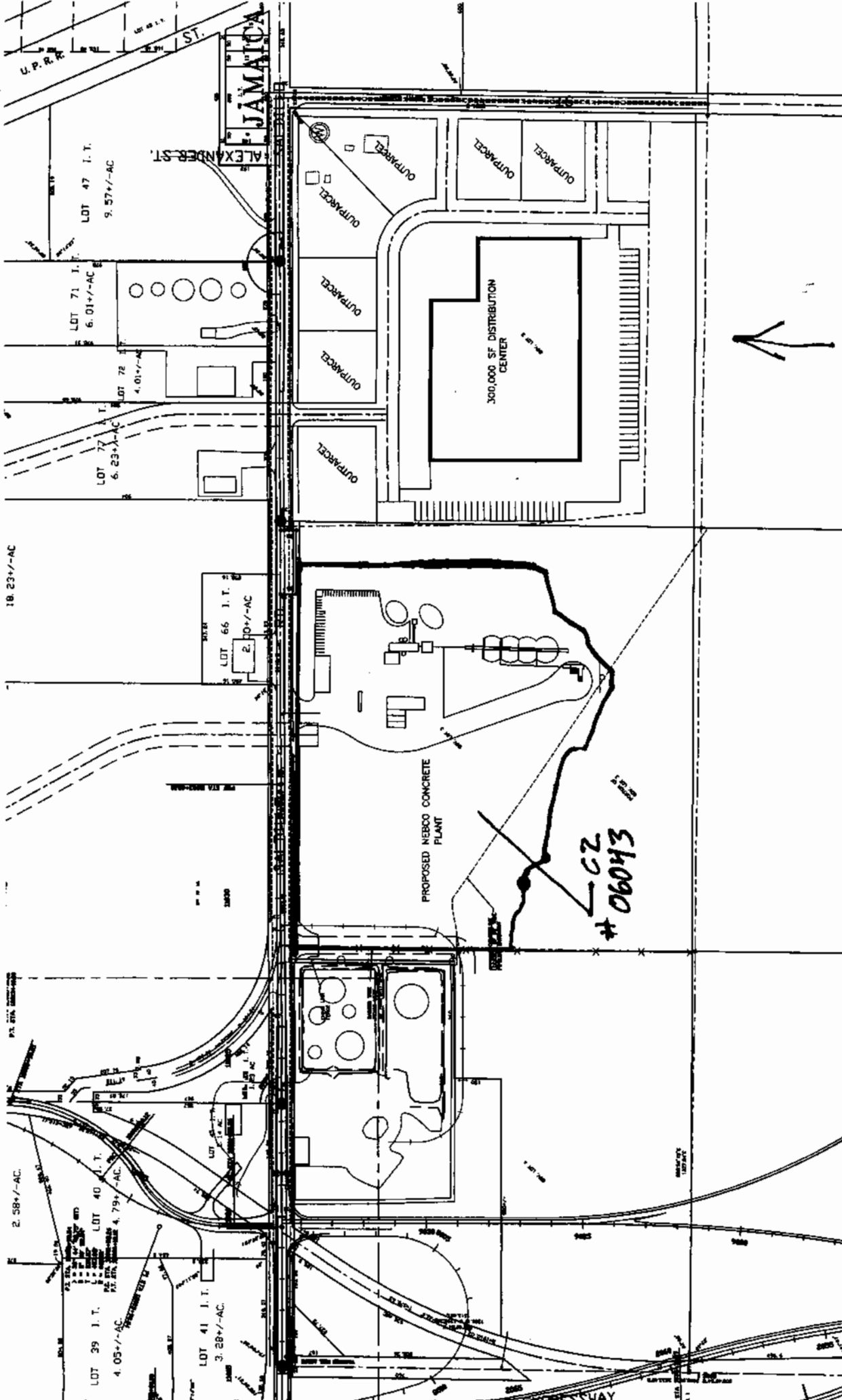


Exhibit "A"

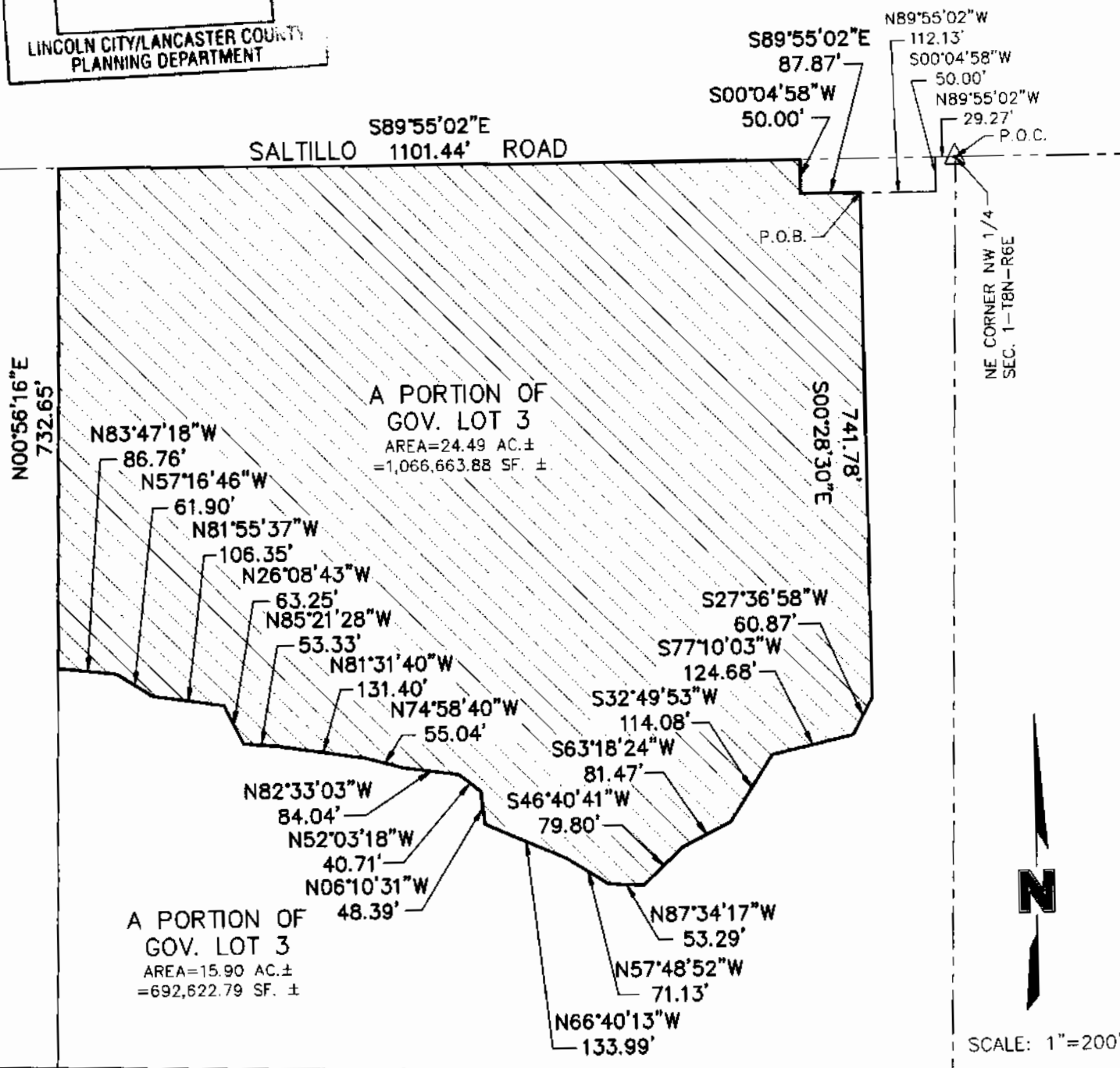
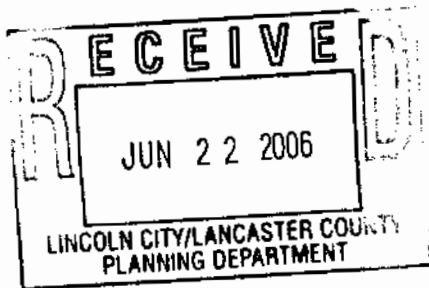


Exhibit "A"

LEGAL DESCRIPTION



A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF GOVERNMENT LOT 3, LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 8 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, STATE OF NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID NORTHWEST QUARTER, SAID POINT BEING THE NORTHEAST CORNER OF SAID GOVERNMENT LOT 3, THENCE WESTERLY ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER OF SAID NORTHWEST QUARTER, SAID LINE BEING A NORTH LINE OF SAID GOVERNMENT LOT 3, ON AN ASSUMED BEARING OF NORTH 89 DEGREES 55 MINUTES 02 SECONDS WEST, A DISTANCE OF 29.27 FEET TO NORTHWEST CORNER OF SAID GOVERNMENT LOT 3, THENCE SOUTH 00 DEGREES 04 MINUTES 58 SECONDS WEST ALONG A WEST LINE OF SAID GOVERNMENT LOT 3, A DISTANCE OF 50.00 FEET TO NORTH CORNER OF SAID GOVERNMENT LOT 3, THENCE NORTH 89 DEGREES 55 MINUTES 02 SECONDS WEST ALONG A NORTH LINE OF SAID GOVERNMENT LOT 3, A DISTANCE OF 112.13 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 28 MINUTES 30 SECONDS EAST, A DISTANCE OF 741.78 FEET TO A POINT, THENCE SOUTH 27 DEGREES 36 MINUTES 58 SECONDS WEST, A DISTANCE OF 60.87 FEET TO A POINT, THENCE SOUTH 77 DEGREES 10 MINUTES 03 SECONDS WEST, A DISTANCE OF 124.68 FEET TO A POINT, THENCE SOUTH 32 DEGREES 49 MINUTES 53 SECONDS WEST, A DISTANCE OF 114.08 FEET TO A POINT, THENCE SOUTH 63 DEGREES 18 MINUTES 24 SECONDS WEST, A DISTANCE OF 81.47 FEET TO A POINT, THENCE SOUTH 46 DEGREES 40 MINUTES 41 SECONDS WEST, A DISTANCE OF 79.80 FEET TO A POINT, THENCE NORTH 87 DEGREES 34 MINUTES 17 SECONDS WEST, A DISTANCE OF 53.29 FEET TO A POINT, THENCE NORTH 57 DEGREES 48 MINUTES 52 SECONDS WEST, A DISTANCE OF 71.13 FEET TO A POINT, THENCE NORTH 66 DEGREES 40 MINUTES 13 SECONDS WEST, A DISTANCE OF 133.99 FEET TO A POINT, THENCE NORTH 06 DEGREES 10 MINUTES 31 SECONDS WEST, A DISTANCE OF 48.39 FEET TO A POINT, THENCE NORTH 52 DEGREES 03 MINUTES 18 SECONDS WEST, A DISTANCE OF 40.71 FEET TO A POINT, THENCE NORTH 82 DEGREES 33 MINUTES 03 SECONDS WEST, A DISTANCE OF 84.04 FEET TO A POINT, THENCE NORTH 74 DEGREES 58 MINUTES 40 SECONDS WEST, A DISTANCE OF 55.04 FEET TO A POINT, THENCE NORTH 81 DEGREES 31 MINUTES 40 SECONDS WEST, A DISTANCE OF 131.40 FEET TO A POINT, THENCE NORTH 85 DEGREES 21 MINUTES 28 SECONDS WEST, A DISTANCE OF 53.33 FEET TO A POINT, THENCE NORTH 26 DEGREES 08 MINUTES 43 SECONDS WEST, A DISTANCE OF 63.25 FEET TO A POINT, THENCE NORTH 81 DEGREES 55 MINUTES 37

SECONDS WEST, A DISTANCE OF 106.35 FEET TO A POINT, THENCE NORTH 57 DEGREES 16 MINUTES 46 SECONDS WEST, A DISTANCE OF 61.90 FEET TO A POINT, THENCE NORTH 83 DEGREES 47 MINUTES 18 SECONDS WEST, A DISTANCE OF 86.76 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID GOVERNMENT LOT 3, SAID POINT BEING ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID NORTHWEST QUARTER, THENCE NORTH 00 DEGREES 56 MINUTES 16 SECONDS EAST ALONG THE WEST LINE OF SAID GOVERNMENT LOT 3, SAID LINE BEING THE WEST LINE OF THE NORTHEAST QUARTER OF SAID NORTHWEST QUARTER, A DISTANCE OF 732.65 FEET TO THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 3, SAID POINT BEING THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID NORTHWEST QUARTER, THENCE SOUTH 89 DEGREES 55 MINUTES 02 SECONDS EAST ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 3, SAID LINE BEING A NORTH LINE OF THE NORTHEAST QUARTER OF SAID NORTHWEST QUARTER, A DISTANCE OF 1,101.44 FEET TO A NORTHEAST CORNER OF SAID GOVERNMENT LOT 3, THENCE SOUTH 00 DEGREES 04 MINUTES 58 SECONDS WEST ALONG A EAST LINE OF SAID GOVERNMENT LOT 3, A DISTANCE OF 50.00 FEET TO A NORTH CORNER OF SAID GOVERNMENT LOT 3, THENCE SOUTH 89 DEGREES 55 MINUTES 02 SECONDS EAST ALONG A NORTH LINE OF SAID GOVERNMENT LOT 3, A DISTANCE OF 87.87 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 1,066,663.88 SQUARE FEET OR 24.49 ACRES, MORE OR LESS.

Thursday, June 22, 2006
F:\Projects\20040622\LincSurvey\yplat\dwg\zone.doc

SEACREST & KALKOWSKI, PC, LLO

1111 LINCOLN MALL, SUITE 350
LINCOLN, NEBRASKA 68508-3910

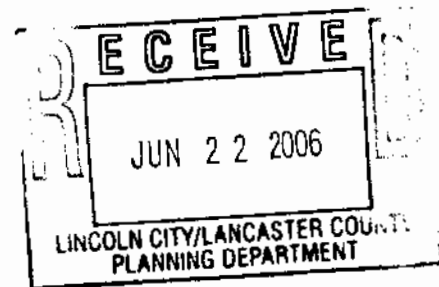
TELEPHONE (402) 435-6000
FACSIMILE (402) 435-6100

KENT SEACREST
E-MAIL: kent@sk-law.com

DANAY KALKOWSKI
E-MAIL: danay@sk-law.com

June 22, 2006

Marvin Krout
Planning Director
City of Lincoln - Lancaster County
555 South 10th Street
Lincoln, NE 68508



RE: Change of Zone from AG to I-1; South Side of Saltillo Road between South 15th
and South 25th Streets

Dear Marvin:

Our law firm represents NEBCO, Inc., a successor in interest to Union Title Five, LLC (collectively "NEBCO") and Western Hemisphere Holding Company, LLC ("Western Hemisphere"). NEBCO owns Tract 1 which is legally described on Exhibit "A" of the enclosed City of Lincoln Zoning Application (NEBCO Application). Western Hemisphere owns Tract 2 which is legally described on Exhibit "A" of the enclosed City of Lincoln Zoning Application (Western Hemisphere Application). The parties seek to rezone their respective tracts from AG Agricultural to I-1 Industrial District. Enclosed please find the two applications for rezoning along with the application fees. For reference, we are also enclosing copies of the Lancaster County Property Information map for each Tract.

NEBCO seeks to rezone Tract 1 in order to operate a concrete facility similar in nature to its facility near 50th & Highway 2. The proposed concrete facility would be centrally located to provide concrete products to Lincoln's rapidly growing south and southwest areas. In addition, the facility would be within a half of a mile from the new South Beltway which will aid construction of this vital transportation network. A concrete facility located near the South Beltway and West Beltway (US Highway 77) will reduce travel time, minimize congestion and help reduce wear and tear on local streets. The proposed location is well buffered on the west by the Williams pipeline tank facility, on the north by other I-1 land uses, the proposed Western Hemisphere land use and the south by other open space which immediately borders the South Beltway on the north. Because of these surrounding land uses, this area does not appear desirable for future residential uses.

Western Hemisphere seeks to rezone Tract 2 in order to operate a large distribution and warehouse facility and some small area retail services. The Angelou Strategic Plan developed for the Lincoln Economic Development Partnership identifies five key growth industries for Lincoln. Logistics, Warehouse and Distribution was one of these five key business sectors. Western Hemisphere seeks to use Tract 2 to help implement the Angelou Strategic Plan. The Tract could accommodate a single warehouse/distribution center up to 300,000 square feet in size and still have limited space for support retail/trade services. The site is ideal for transportation services because of its close proximity to the future interchanges of the South Beltway, West Beltway and Saltillo Road. Western Hemisphere believes the site would provide a convenient location for a major employer for Lincoln who desires a south and southwest Lincoln location.

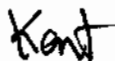
The principals of Western Hemisphere also are principal owners of Northern Lights LLC, which owns the waterway/flood plain/wetland tract (08-01-100-009-000) located between Tract 1 and Tract 2. Northern Lights will be adding wetlands to this tract in the near future.

The parties do not seek annexation or extension of City water or sewer services. The parties have studied the area and determine that wells will provide good quantity and quality of groundwater. Septic or lagoon wastewater treatment will properly and safely serve the proposed facilities. The tracts can be designed to have its stormwater properly detained for the 3 month (water quality event), 2-year, 10-year and-100 year storm events. In addition, large portions of the site can be graded to have the stormwater drain through a new wetland area that is being developed to the south of Tract 1. This will add additional protection to the water quality in the surrounding area, including Wilderness Park.

We have had several meeting with the Planning Department and Public Works Department to determine the proper access points to Tract 1 and Tract 2. Enclosed please find a map of the parties proposed access points (Exhibit "B"). We have also met with the Friends of Wilderness Park Committee and will set up a general briefing meeting with all our neighbors within the next ten days.

We look forward to working with the Planning Department and our neighbors on this proposal. If you have any questions in the meantime, please give me a call.

Very truly yours,



Kent Seacrest
For the Firm

cc with enclosure:

Mayor Coleen Seng
Jonathan Cook
Randy Hoskins

Dennis Bartels
Tim Gergen
Mark Palmer

Bob Miller
John Brager
Tom White

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Mike DeKalb	DATE: July 3, 2006
DEPARTMENT: Planning	FROM: Chris Schroeder
ATTENTION:	DEPARTMENT: Health
CARBONS TO: EH File EH Administration	SUBJECT: CZ AG to I-1 Concrete Facility CZ #06043

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the change of zone application with the following noted:

- The LLCHD requests information relative to applicant's assertion that wells in this proposed change of zone area will provide good quantity and quality of water.
- The proposed concrete batch plant will require a construction permit and probably an operating permit per article II, sections 5 & 7 of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards (LLCAPCPRS).
- Operation of this facility will require the standard baghouse controls that are required by such plants. The plant will be subject to complying with article II, section 32 Fugitive Dust of the LLCAPCPRS. Plant roadways should be paved.
- The operation of this plant will also be subject to the requirements of Lincoln Municipal Code 8.24 Noise Control Ordinance. Specifically, the limits of 8.24.090 Table 1.

Lancaster

DON R. THOMAS - COUNTY ENGINEER

County

Engineering

DEPUTY- LARRY V. WORRELL
COUNTY SURVEYOR

Department

DATE: June 30, 2006

TO: Mike DeKalb
Planning

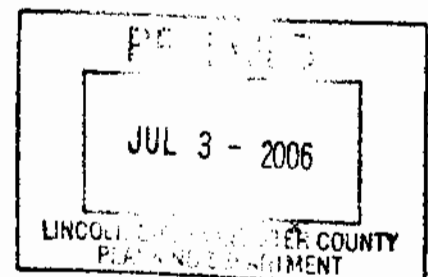
FROM: Larry V. Worrell
County Surveyor

SUBJECT: CZ AG TO I-1 CONCRETE FACILITY
CZ 06043

Upon review, this office would have the following comments for the concrete facility:

Saltillo Road would have to be reconstructed to accommodate right turn and left turn lanes at the facility. Applicant would be responsible for the construction costs of concrete pavement.

LVW/pb
Phyllis/Zone/#06043 mem.



Interdepartmental Communication

To: Mike Dekalb

Date: June 28, 2006

Department: Planning Department

From: Lana Tolbert

Regarding: CZ06043

Department: Building and Safety

At your request the Department of Building and Safety has completed its review of the Change of Zone request on the property generally located on the south side of Saltillo Road between S. 15th and S. 25th Streets. A portion of the site appears to be in the 100-year flood plain. The Department of Building and Safety offers the following for your consideration:

- The site is located in the New Growth Area. Any development in the 100-year flood plain must comply with the requirements of LMC 27.53 Flood Regulations for New Growth Areas.